THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.18473 of 2007

Date 05-10-2007

Between:
B.N.Venkata Lakshmi.

..... PETITIONER

AND

The District Collector (Civil Supplies), Kakinada & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.18473 of 2007

ORDER:

This Court issued notice before admission on 31-08-2007 and issued Rule Nisi on 11-09-2007.

2. Heard Sri P.Amarender, the counsel representing the petitioner and the learned Assistant Government Pleader for Civil Supplies.

3. This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not appointing the petitioner as fair price shop dealer for shop No.2 of the Gollaprolu village and Mandal on permanent basis and also in not considering his appeal in terms of the judgment of this Court as illegal, arbitrary, discriminatory and violative of Articles 14, 16 and 21 of Constitution of India, and consequently direct the respondents to appoint the petitioner as fair price shop for shop No.2 of Gollaprolu village and Mandal taking into consideration her past service and experience.

4. It is stated in the affidavit filed in support of the writ petition that the petitioner was a member of Dwacra Group (Shanti Mahila Shakthi Sangam, Gollaprolu) and was appointed as a fair price shop dealer for shop No.2 vide reference No.A/1536/2001, dated 05-10-2001 of the second respondent and that the said appointment was temporary for a period of three months with effect from October, 2001 to December, 2001 due to suspension of authorization of the existing fair price shop dealer for committing certain irregularities. It is stated that after expiry of the initial period of appointment of the petitioner, her dealership was continued till 2003 and thereafter, upto the year 2005. It is further stated that pursuant to the suspension of

authorization of the original dealer, show cause notice was issued on 14-02-2001 canceling his dealership and that the second respondent, by proceedings dated 06-05-2003, imposed the penalty of Rs.1,000/- on the original dealer and restored his authorization and had withdrawn the appointment of the petitioner as fair price shop dealer. Against the said order, the petitioner preferred an appeal to the Joint Collector, Kakinada on

21-05-2003 and in appeal, the operation of the proceedings of the second respondent dated 06-05-2003 were stayed with a direction to continue the petitioner as fair price shop dealer till the disposal of the appeal. It is further stated that the appeal was disposed of and remitted the matter to the second respondent to dispose of within 30 days and till then, the stay to be continued. Thereafter, the second respondent issued show cause notice on 16-05-2005 to the original dealer and in pursuance of the same, he submitted his explanation. After considering the explanation of the original dealer, his authorization was cancelled continuing the dealership of the petitioner. It is further stated that aggrieved by the said orders as well as the orders of the District Collector dated 15-02-2005, the original dealer filed W.P.No.14988 of 2005, wherein this Court granted interim directions, by order dated 16-08-2005 in WPMP.No.19045 of 2005. This Court, by order in W.P.No.14988 of 2005 dated 07-11-2005, set aside the order of the first respondent dated 15-02-2005 as well as consequential proceedings of the second respondent dated 21-06-2005 and directed the first respondent to reconsider the appeal preferred by the petitioner against the order of the second respondent dated 06-05-2003. This Court also directed to continue the original dealer as fair price shop dealer till the appeal was decided by the first respondent. It is further stated that the original dealer expired on 29-07-2007, that the petitioner made representation on 01-08-2007 requesting to allot the

dealership of the fair price shop. Thereafter, the petitioner again made representation on 16-08-2007. It is stated that pursuant to the orders of the second respondent, the petitioner had preferred an appeal to the Joint Collector on 21-05-2003 and the Joint Collector stayed the operation of the impugned order dated 06-05-2003 and remanded the matter to the appointing authority, who in turn, after issuing notice to the original dealer passed orders in favour of the petitioner on 21-06-2005. Petitioner contends that instead of appointing her as fair price shop dealer, the third respondent is continuing one Smt Pantam Paparatnam unauthorisedly without there being an order of appointment by the competent authority. The main grievance of the petitioner is that the first respondent is not considering and disposing of the appeal preferred by her, in accordance with law, despite repeated requests.

5. It is stated by the learned Assistant Government Pleader for Civil Supplies that the appeal is pending before the District Collector, Civil Supplies, Kakinada, the first respondent herein.

6. In the light of the same, the writ petition is disposed of directing the first respondent to consider and dispose of the appeal of the petitioner within a period of four weeks from the date of receipt of a copy of this order. Till then, status quo obtaining as on today to be maintained. No order as to costs.

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05-10-2007

Note:Furnish copy within one week
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